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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,523	01/21/2004	Bernd Hildebrand	502901-163	3433

27799 7590 01/24/2007
COHEN, PONTANI, LIEBERMAN & PAVANE
551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

REIS, TRAVIS M

ART UNIT	PAPER NUMBER
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2859

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/761,523

Applicant(s)

HILDEBRAND ET AL.

Examiner

Travis M. Reis

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 11-13 is/are rejected.
- 7) ☒ Claim(s) 4-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT-Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, & 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jansa (U.S. Patent 6178917) in view of Owen (U.S. Patent 5603283).

With reference to claims 1-3, 11, & 12, Jansa discloses in Figure 5 a pointer instrument (26) comprising a printed circuit board (7) having an upper and lower side, first (6') and second (6) instrument mechanisms independently arranged on said printed circuit board; first (4) and second (3) pointers having concentric pivoting axes, each of said first and second pointers comprising a radially extending element (27, 11) arranged above said upper side of said circuit board, wherein said first and second instrument mechanisms acts on said first and second pointers respectively, said first and second instrument mechanisms having essentially concentric rotational axes; wherein said first instrument mechanism comprise a short hollow shaft (13) connecting said first instrument mechanism to said first pointer, and said second mechanism comprising a shaft (i.e. 27) connecting said second mechanism to said second pointer, wherein said shaft of said second instrument mechanism passes through said printed circuit board and through said hollow shaft of said first instrument mechanism; further comprising an optical fiber, illustrated on another embodiment in Figure 1; but used in the present embodiment (col. 5 lines 16-19).

Jansa does not disclose said first instrument mechanism is arranged above said printed circuit board such that said board is between said first and second instrument mechanisms.

Owen discloses a snap-on gauge pointer assembly (10) which teaches an instrument mechanism (54) for driving a pointer (12) positioned above a circuit board (20) (Figure 2). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to relocate the first instrument mechanism disclosed by Jansa above the circuit board as taught by Owen in order to reduce bending torque and steady wobble and vibration in case of wear and since changing the location, absent any criticality, is only considered to be an obvious modification of the Jansa device that a person having ordinary skill in the art at the time the invention was made would be able to provide using routine experimentation since the courts have held that there is no invention in shifting the position if the operation of the device would not be thereby modified. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

With reference to claim 13, Official notice is taken with respect to the plurality of conductor tracks disposed on said printed circuit board since it is very well known in the art to use circuit board having conductor tracks printed upon them. Thus, to include a plurality of conductor tracks on the circuit board disclosed by Jansa would have been obvious to a person having ordinary skill in the art at the time the invention was made since the device will be inoperative in the absence of some sort of electrical connection.

Allowable Subject Matter

3. Claims 4-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or clearly suggest a pointer instrument comprising a bracket connecting said second instrument mechanism to said second pointer,

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said bracket projecting through a cutout in said printed circuit board, said cutout being arc-shaped, in combination with the remaining limitations in the claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3 & 11-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M. Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Travis M Reis
Examiner
Art Unit 2859



**RICHARD SMITH
PRIMARY EXAMINER**

tmr
January 16, 2007